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Attorneys for Plaintiff
FINJAN, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FINJAN, INC.,

Plaintiff,

v.

ZSCALER, INC.,

Defendant.

Case No. 3:17-cv-06946-JST

**STIPULATION AND ~~[PROPOSED]~~ ORDER
EXTENDING CLAIM CONSTRUCTION
DEADLINES**

Ctrm: 9, 19th Floor

Judge: Honorable Jon S. Tigar

Pursuant to Civil L.R. 6-2, 7-12 and Patent L.R. 1-3, Defendant Zscaler, Inc. (“Zscaler”) and Plaintiff Finjan, Inc. (“Finjan”) (collectively, the “Parties”) respectfully and jointly submit the following Stipulation and [Proposed] Order extend the claim construction deadlines set forth previously in Dkt. 74. Pursuant L.R. 6-2(a), this stipulated request is supported by the Declaration of Joshua D. Furman in Support of Stipulation and [Proposed] Order Extending Claim Construction Deadlines (“Furman Decl.”). In support of the stipulated request, the parties state as follows:

1. Pursuant the Court’s Scheduling Order at Dkt. 74, the deadlines for the claim construction are currently as set forth below:

Event	Current Date
Joint Claim Construction Prehearing Statement	December 14, 2018
Last day to exchange expert declarations regarding claim construction	December 21, 2018
Close of claim construction discovery	January 11, 2019
Finjan’s opening claim construction brief	January 22, 2019
Zscaler’s responsive claim construction brief	February 12, 2019
Finjan’s reply claim construction brief	February 22, 2019
Tutorial	March 12, 2019, 1:30 PM
Claim Construction Hearing	March 25, 2019, 1:30 PM

2. Zscaler filed a Motion to Enforce Order (Dkt. 77) on November 15, 2018, moving to Court to enforce the Court’s order in Dkt. 72 and compelling Finjan to provide amended infringement contentions. Finjan opposed this motion (Dkt. 80) on November 29, 2018. The Motion is noticed for a hearing on December 20, 2018.

3. The Joint Claim Construction Prehearing Statement filing deadline is scheduled for December 14, 6 days prior to the December 20 hearing date for the Motion to Enforce Order. Claim construction expert declarations are due December 21, one day after the hearing.

4. In order to conserve judicial and party resources, and considering the hearing on December 20, the parties agree to adjust the claim construction schedule in this case as follows:

Event	Current Date (per Dkt. 74)	Modified [Proposed] Date
Joint Claim Construction Prehearing Statement	December 14, 2018	December 21, 2019
Last day to exchange expert declarations regarding claim construction	December 21, 2018	January 4, 2019
Close of claim construction discovery	January 11, 2019	January 25, 2019
Finjan's opening claim construction brief	January 22, 2019	February 5, 2019
Zscaler's responsive claim construction brief	February 12, 2019	February 26, 2019
Finjan's reply claim construction brief	February 22, 2019	March 8, 2019
Tutorial	March 12, 2019, 1:30 PM	<i>UNCHANGED</i> March 12, 2019, 1:30 PM
Claim Construction Hearing	March 25, 2019, 1:30 PM	<i>UNCHANGED</i> March 25, 2019, 1:30 PM

5. Aside from those listed above, this stipulation will not change or alter the date of any other event or any other deadline already established by Court order.

6. This stipulation will not change or alter the date of the Claim Construction Tutorial or Hearing. The time interval between the Tutorial and the Hearing remain unchanged at 13 days.

7. While parties acknowledge that the number of days between the completion of briefing and the claim construction tutorial is reduced by 13 days, we are hopeful that the proposed schedule modification will not hinder the Court's opportunity to review the briefing in advance of the Hearing given that the 13-day period between the tutorial and the hearing is unchanged. The parties are of course

1 amenable to a corresponding continuance of the Tutorial and/or Hearing dates, as convenient for the
2 Court.

3 8. The schedule in this case has been modified with respect to four events. On January 12,
4 2018 the parties stipulated to extend the time for Zscaler to respond to the Complaint until February 12,
5 2018, which was effective under Civil Local Rule 6-1(a) at Dkt. 14. The settlement conference date was
6 also rescheduled from July 13, 2018 to September 11, 2018 at Dkt. 54, again to September 19, 2018 at
7 Dkt. 67, and again to September 28, 2018 at Dkt. 70. The Court also granted the parties' stipulation to set
8 the deadline for expert declarations in support of claim construction positions at Dkt. 69. The Court also
9 granted the parties' stipulation to extend deadlines for claim construction in Dkt. 74 in view of the
10 court's Order to produce more detailed infringement contentions in Dkt. 72.

11 For the foregoing reasons, the Parties respectfully request that the Court modify the claim
12 construction deadlines as set forth above.

13 **IT IS SO STIPULATED.**

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15 Dated: December 7, 2018

DURIE TANGRI LLP

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17 By: /s/ Joshua D. Furman
JOSHUA D. FURMAN

18 Attorneys for Defendant
19 ZSCALER, INC.

20
21 Dated: December 7, 2018

KRAMER LEVIN NAFTALIS & FRANKEL LLP

22
23 By: /s/ Austin Manes
AUSTIN MANES

24 Attorney for Plaintiff
25 FINJAN, INC.

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Joshua D. Furman, attest that concurrence in the filing of this document has been obtained.

/s/ Joshua D. Furman
JOSHUA D. FURMAN

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, THE SCHEDULE IN THIS CASE IS MODIFIED AS SET FORTH ABOVE AND AS FOLLOWS:

Event	Date
Joint Claim Construction Prehearing Statement	December 21, 2019
Last day to exchange expert declarations regarding claim construction	January 4, 2019
Close of claim construction discovery	January 25, 2019
Finjan's opening claim construction brief	February 5, 2019
Zscaler's responsive claim construction brief	February 26, 2019
Finjan's reply claim construction brief	March 8, 2019
Tutorial	March 12, 2019, 1:30 PM
Claim Construction Hearing	March 25, 2019, 1:30 PM

IT IS SO ORDERED.

Dated: December 11, 2018


HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE